



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART III

COMMUNITY CARE: ENGLAND AND WALES

General provisions concerning community care services

47 Assessment of needs for community care services.

- (1) Subject to subsections (5) and (6) below, where it appears to a local authority that any person for whom they may provide or arrange for the provision [^{F1}of services under section 117 of the Mental Health Act 1983 ^{F2}...] may be in need of any such services, the authority—
 - (a) shall carry out an assessment of his needs for those services; and
 - (b) having regard to the results of that assessment, shall then decide whether his needs call for the provision by them of any such services.
- (2) If at any time during the assessment of the needs of any person under subsection (1)
 - (a) above it appears to a local authority [^{F3}in England] that he is a disabled person, [^{F4}(and ^{F5}..., that he is under 18)] the authority—
 - (a) shall proceed to make such a decision as to the services he requires as is mentioned in section 4 of the ^{M1}Disabled Persons (Services, Consultation and Representation) Act 1986 without his requesting them to do so under that section; and
 - (b) shall inform him that they will be doing so and of his rights under that Act.
- (3) If at any time during the assessment of the needs of any person under subsection (1)
 - (a) above, it appears to a local authority—
 - [^{F6}(za) that there may be a need for the provision of services to that person pursuant to arrangements made under the National Health Service Act 2006 by such integrated care board as may be determined in accordance with regulations

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(including such arrangements made by it in the exercise of functions of another person by virtue of any provision of that Act),]

- (a) that there may be a need for the provision to that person by such ^{F7} ... [^{F8}Health Authority] as may be determined in accordance with regulations of any services under ^{F9} ... [^{F10} the National Health Service (Wales) Act 2006], or
- (b) that there may be a need for the provision to him of any services which fall within the functions of a local housing authority (within the meaning of the ^{M2}Housing Act 1985) which is not the local authority carrying out the assessment,

the local authority shall notify that ^{F11} ... [^{F12}integrated care board], [^{F8}Health Authority] or local housing authority and invite them to assist, to such extent as is reasonable in the circumstances, in the making of the assessment; and, in making their decision as to the provision of the services needed for the person in question, the local authority shall take into account any services which are likely to be made available for him by that ^{F11} ... [^{F12}integrated care board], [^{F8}Health Authority] or local housing authority.

- (4) The Secretary of State may give directions as to the manner in which an assessment under this section is to be carried out or the form it is to take but, subject to any such directions and to subsection (7) below, it shall be carried out in such manner and take such form as the local authority consider appropriate.
- (5) Nothing in this section shall prevent a local authority from temporarily providing or arranging for the provision of [^{F13}services mentioned in subsection (1)] for any person without carrying out a prior assessment of his needs in accordance with the preceding provisions of this section if, in the opinion of the authority, the condition of that person is such that he requires those services as a matter of urgency.
- (6) If, by virtue of subsection (5) above, ^{F14} ... services have been provided temporarily for any person as a matter of urgency, then, as soon as practicable thereafter, an assessment of his needs shall be made in accordance with the preceding provisions of this section.

^{F15}(7)

- (8) In this section—

“disabled person” has the same meaning as in that Act; and

“local authority” [^{F16}means a county council in England, a district council for an area in England for which there is no county council, the council of a county or county borough in Wales, a London borough council or the Common Council of the City of London].

Textual Amendments

- F1** Words in s. 47(1) substituted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 51(2)** (with arts. 1(3), 3)
- F2** Words in s. 47(1) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **126(a)**
- F3** Words in s. 47(2) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **126(b)(i)**
- F4** Words in s. 47(2) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 51(3)** (with arts. 1(3), 3)

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- F5** Words in s. 47(2) omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **126(b)(ii)**
- F6** S. 47(3)(za) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 9 para. 3**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F7** Words in s. 47(3)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 59(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 47(3) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 81** (with Sch. 2 paras. 6, 16)
- F9** Words in s. 47(3)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 59(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** Words in s. 47(3) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 130**
- F11** Words in s. 47(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 59(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** Words in s. 47(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 37**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F13** Words in s. 47(5) substituted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 51(4)** (with arts. 1(3), 3)
- F14** Words in s. 47(6) omitted (1.4.2015) by virtue of The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 51(5)** (with arts. 1(3), 3)
- F15** S. 47(7) omitted (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **126(c)**
- F16** Words in s. 47(8) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **126(d)**

Commencement Information

- I1** S. 47 wholly in force at 1.4.1993 see s. 67(2) and S.I. 1992/2975, art. 2(2), **Sch.**

Marginal Citations

- M1** 1986 c. 33.
M2 1985 c. 68.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))